

Citizen Involvement in Missouri River Management

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A new era in natural resources management is coming into practice across the country, but nowhere is it being demonstrated more emphatically than in the management of the Missouri River system. How has it changed? Years ago federal agencies would address resource problems and other issues by proposing management actions developed through largely internal processes with minimal citizen engagement. The main opportunity for external input would come through a comment period after the proposed action was officially published. But things are different today as agencies are incorporating greater transparency, participatory democracy and accountability by involving the citizens earlier in the process.

Missouri River Management: Getting the Citizen Involved

What is becoming more commonplace in dealing with natural resource issues – especially those that affect resources with multiple users – is involving the citizens from the beginning by seeking input to develop solutions that can meet the needs of fish, wildlife, or other natural resources while maintaining their social and economic uses. These efforts are challenging because the economic use of these natural resources often has a strong impact on the resources themselves. This is certainly the case in the Missouri River, where the creation of six mainstream dams and alteration of the river channel have contributed to the decline of a number of species, three of which are now listed as threatened or endangered under the Endangered Species Act.

Formation of the Missouri River Recovery Implementation Committee

So how did stakeholder input into the Missouri River management come about? A 2002 report by the National Research Council looking into the prospects of recovery of the Missouri River ecosystem states:

A representative stakeholder committee should be empowered and convened by the appropriate agencies to develop a basinwide strategy, conduct assessments, review plans, and provide oversight of the implementation of adaptive management initiatives.

Congress followed up on this recommendation by authorizing the Missouri River Recovery Implementation Committee (MRRIC) in the Water Resources Development Act (WRDA) of 2007. In this Act, Congress empowered the Secretary of the Army for Civil Works to establish MRRIC and gave the Committee two charges:

1) Provide recommendations and guidance on a study of the Missouri River and its tributaries to determine actions required to: a) Mitigate losses of aquatic and terrestrial habitat, b) Recover federally listed species under the Endangered Species Act of 1973, and c) Restore the ecosystem to prevent further declines among other native species.

2) Provide guidance with respect to the existing Missouri River mitigation and recovery plan.

The act also specified membership in MRRIC should include federal agencies, states, Tribes, and nongovernmental stakeholders in or near the Missouri River Basin.

The U.S. Army Corps of Engineers (Corps) Northwestern Division with its Omaha and Kansas City Districts initiated the process of forming MRRIC. With expert help from the U.S. Institute for Environmental Conflict Resolution (IECR), a Charter Drafting Committee was formed with representatives from all the membership categories identified in WRDA. This Charter was approved by the Corps' Assistant Secretary of the Army and MRRIC held its first meeting in fall of 2008 in St. Louis, Missouri-- beginning a long and challenging journey.

Why the need for MRRIC?

Managing the longest river in the United States that has been segmented into riverine and reservoir stretches by six mainstream dams, engineered as a self-maintaining navigation channel, shortened by some 200 miles from its original length, and has armored banks and an extensive levee system to help with flood control is an overwhelming challenge for the Corps. Add an advisory group consisting of eight states, 29 Native American Tribes, 29 stakeholders representing 16 interests, and 15 federal agencies and you have an experiment in natural resource management called MRRIC.

The challenges associated with managing the Missouri River are complicated by the congressionally authorized purposes identified in the 1944 Flood Control Act which can often compete with one another. These eight purposes – flood control, navigation, hydropower, irrigation, recreation, water supply, water quality and fish and wildlife – are dependent on hydrological features, such as flow, river stage or reservoir elevation, water temperature, and the seasonal timing of these features. Meeting the authorized purposes often dictates that the river be controlled to behave in annual cycle, or hydrograph, that is unlike the natural hydrograph seen in the river prior to when the dams provided the ability to control river flow. Unfortunately, the departure from a natural hydrograph, while benefitting flood control, navigation and water supply, has been suspected as a major factor in the listing of three native species on the endangered species list.

No single hydrograph meets all the needs of every authorized purpose which has led to a history of contention on the river. This has been demonstrated in numerous legal battles that often pit upstream states against downstream states, and states against the Corps of Engineers. Prior to MRRIC being formed, a consultant group was asked in 2006 to assess the prospects for broad

collaboration and reduction of conflict related to management of the Missouri River. In their report they stated:

In the 28 years of the Team's experience conducting assessments on both domestic and international issues and conflicts, we have seen few cases that had the dynamics, complexity, degree of suspicion and in some cases, the animosity that are present in this case.

But members felt MRRIC was needed as stakeholder Jason Skold, representing fish and wildlife states: “ I thought it was a great idea given there was no official forum for broad stakeholder participation in the basin. There was a basin association for representatives from states to meet and discuss issues, but nothing where the states, the tribes, the agencies and the stakeholders could meet and be heard on a regular basis. I think that is what people really wanted and what the basin really needed.”

Developing Trust and a Spirit of Collaboration

An obvious need existed for a forum at which citizens throughout the basin could come together for something more than a court proceeding. While MRRIC provided that forum, the relationships in the basin were not going to be immediately improved. Representatives from states that held very different views on how the water should be controlled were going to sit together at this table and share what is important to them. Stakeholder members who represent navigation and want the river stage to be controlled to provide adequate depth for barges through the shipping season would be discussing flow management with stakeholders representing environmental/conservation organizations who want to see a return to a more natural hydrograph. Managing for specific water levels at specific times of the year in the upstream reservoirs was not always going to meet the downstream needs.

The IECR has provided collaboration training to help MRRIC members learn how to discuss their interests rather than their firmly held positions about how the river should be managed. This training, now mandatory for all members, explores the principles of Interest-Based Negotiation to help members achieve sustainable solutions so that all members feel they gain something in the final decisions. Improving communication skills and managing conflict in a constructive manner are also key learning objectives of this training.

Establishing an Independent Science Advisory Panel (ISAP) also helped to build trust among MRRIC members. This panel, comprised of six independent scientists, provides established expertise in the biology of the river species, hydrology, ecology of large river systems, and restoration ecology. The efforts of the ISAP have helped build trust by establishing a common science base that all members have access to and upon which Committee recommendations can be made. Having a common set of facts and current understanding of the river system helps reduce the degree to which members base their arguments on personal beliefs. The ISAP now

meets with MRRIC at quarterly meeting and reviews potential actions the agencies may take for recovery of the three listed species.

The Work of MRRIC

For over five years now, MRRIC has been making recommendations to the federal agencies that have a lead role in managing the Missouri River and, in some cases, its major tributaries. In developing the operating rules under which the Committee works, MRRIC decided that any recommendation would require unanimous consensus of the entire membership. In essence, any single stakeholder or representative of a state or Tribal nation could stop a recommendation by voting against it (Federal Agencies are non-voting members). Obtaining consensus agreement for a group of this size and diversity of interests is extremely challenging, but when consensus is achieved it sends an extremely powerful message to the decision-making agencies.

MRRIC also established procedures to ensure broad public input into its work. This feature, called the “two meeting rule,” requires that a substantive recommendation to the agencies be approved in two consecutive meetings. This enables MRRIC members to discuss each specific recommendation with the organization or constituency they represent to make sure there is broad support for the recommendation at hand.

Recommendations can focus on the Corps’ Missouri River Recovery Program or the U.S. Fish and Wildlife Service’s administration of the Endangered Species Act on the Missouri River. A broad range of recommendations have been made through the first five years of the Committee. For example, the Committee has recommended the Corps use easements for their land acquisition program, saving and enhancing bird habitat created by the 2011 historic flood, and supporting seven distinct actions that came from a report provided by the ISAP which reviewed the man-made spring pulse out of Gavins Point Dam. In addition, MRRIC makes yearly recommendations on the Corps’ Annual Missouri River Recovery Program Work Plan. Recommendations to the Fish and Wildlife Service have also included asking for protection of the shovelnose sturgeon because of its similarity of appearance to the endangered pallid sturgeon and requesting additional evaluation of the project to design a fish bypass on the Yellowstone River at the Intake Diversion Dam.

Politics can intervene in MRRIC’s work. Annually, since 2012, Congress has restricted the use of any Corps funds for the restoration study of the river, one of the two major charges identified in the WRDA 2007 language authorizing the Committee’s work. Currently, MRRIC remains focused on providing guidance to the Corps’ on its Missouri River Recovery Program.

What’s next for MRRIC

While MRRIC enters into its sixth year, challenging work still lies ahead. Over the last year, the Committee has focused on the social, economic and cultural considerations associated with the Missouri River System, and how to evaluate the benefits society enjoys from this natural

resource. The Committee is trying to put a socioeconomic value on not only all of the congressionally authorized uses, but also the benefits of water filtration, flood attenuation, and aesthetic beauty. This will help in the examination of how each river use may be impacted, negatively or positively, by changes in the way the river is managed to recover the listed species. With several different interests on the river, stakeholders play a key role assisting the federal agencies in the decision making process on river management.

Similar to the ISAP, the Committee convened a socioeconomic panel of experts to assist with ensuring that all benefits of the river are considered and that these benefits are evaluated in a technically sound manner. This will help the Committee provide the best possible guidance to the Corps on how proposed management actions affect river uses. As Shuhai Zheng, who represents the state of Nebraska on the Committee comments: “Looking into the future, the MRRIC will continue to work with the leading agencies and all the stakeholders in developing a successful Missouri River Recovery Plan by 2016 and providing recommendations to the Corps for the plan implementation with an adaptive management framework.”